

6

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

THE UNITED STATES OF AMERICA,

Plaintiff,

v.

KAI XU,

Defendant.

Case: 5:14-cr-20804

Judge: O'Meara, John Corbett

MJ: Grand, David R.

Filed: 12-18-2014 At 04:52 PM

INDI USA V KAI ZU (LG)

VIO: 18 U.S.C. § 554

INDICTMENT

THE GRAND JURY CHARGES:

COUNT ONE

18 U.S.C. § 554 – *Smuggling goods from the United States*

On or about April 22, 2014, in the Eastern District of Michigan, Southern Division, the defendant, KAI XU, did willfully, knowingly, and fraudulently export and send twenty-one (21) Eastern box turtles from the United States contrary to laws of the United States, specifically 16 U.S.C. § 1538(c)(1) and 50 C.F.R. § 14.63, all in violation of 18 U.S.C. § 554.

COUNT TWO

18 U.S.C. § 554 – *Smuggling goods from the United States*

On or about May 9, 2014, in the Eastern District of Michigan, Southern Division, the defendant, KAI XU, did willfully, knowingly, and fraudulently attempt to export and send four (4) black pond spotted turtles, three (3) North American wood turtles, and two (2) yellow blotch map turtles from the United States contrary to laws of the United States, specifically 16 U.S.C. § 1538(c)(1) and 50 C.F.R. § 14.63, all in violation of 18 U.S.C. § 554.

COUNT THREE

18 U.S.C. § 554 – *Smuggling goods from the United States*

On or about August 5, 2014, in the Eastern District of Michigan, Southern Division, the defendant, KAI XU, did willfully, knowingly, and fraudulently export and send ten (10) albino red-eared sliders, seven (7) diamondback terrapins, and thirty-four (34) box turtles from the United States contrary to laws of the United States, specifically 16 U.S.C. § 1538(c)(1) and 50 C.F.R. § 14.63, all in violation of 18 U.S.C. § 554.

COUNT FOUR

18 U.S.C. § 554 – *Smuggling goods from the United States*

On or about September 4, 2014, in the Eastern District of Michigan, Southern Division, the defendant, KAI XU, did willfully, knowingly, and fraudulently export and send three hundred and seventeen (317) turtles, including diamondback terrapins and albino red-eared sliders, from the United States contrary to laws of the United States, specifically 16 U.S.C. § 1538(c)(1) and 50 C.F.R. § 14.63, all in violation of 18 U.S.C. § 554.

COUNT FIVE

18 U.S.C. § 554 – *Smuggling goods from the United States*

On or about September 16, 2014, in the Eastern District of Michigan, Southern Division, the defendant, KAI XU, did willfully, knowingly, and fraudulently export and send fifteen (15) Eastern box turtles, twenty (20) loggerhead musk turtles, thirty (30) North American wood turtles, ten (10) Blanding's turtles, ten (10) Kwangtung river turtles, and one hundred and twenty-six (126) diamondback terrapins, from the United States contrary to laws of the United States, specifically 16 U.S.C. § 1538(c)(1) and 50 C.F.R. § 14.63, all in violation of 18 U.S.C. § 554.

COUNT SIX

18 U.S.C. §§ 554, 2 – *Smuggling goods from the United States*

On or about September 24, 2014, in the Eastern District of Michigan, Southern Division, the defendant, KAI XU, did willfully, knowingly, and fraudulently attempt to export and send forty-nine (49) North American wood turtles, twenty-one (21) Kwangtung river turtles, twenty-two (22) Blanding's turtles, one hundred (100) spotted turtles, fifty-six (56) albino red-eared sliders, and seven hundred and fifty-four (754) diamondback terrapins from the United

States contrary to laws of the United States, specifically 16 U.S.C. § 1538(c)(1) and 50 C.F.R. § 14.63, all in violation of 18 U.S.C. §§ 554, 2.

THIS IS A TRUE BILL.

s/Grand Jury Foreperson
Grand Jury Foreperson

BARBARA L. McQUADE
United States Attorney

s/Kevin M. Mulcahy
KEVIN M. MULCAHY
Chief, General Crimes Unit
Assistant United States Attorney
211 West Fort Street, Suite 2001
Detroit, Michigan 48226-3220
phone: 313-226-9713

s/Sara D. Woodward
SARA D. WOODWARD (P73784)
Assistant United States Attorney
211 West Fort Street, Ste. 2001
Detroit, MI 48226-3220
(313) 226-9180
sara.woodward@usdoj.gov

Dated: December 18, 2014

ORIGINALUnited States District Court
Eastern District of Michigan**Criminal Case Cover**Case: 5:14-cr-20804
Judge: O'Meara, John Corbett
MJ: Grand, David R.
Filed: 12-18-2014 At 04:52 PM
INDI USA V KAI ZU (LG)

NOTE: It is the responsibility of the Assistant U.S. Attorney signing this form to complete

Reassignment/Recusal Information This matter was opened in the USAO prior to August 15, 2008 []

Companion Case Information	Companion Case Number:
This may be a companion case based upon LCrR 57.10 (b)(4) ¹ :	Judge Assigned:
<input type="checkbox"/> Yes <input type="checkbox"/> No	AUSA's Initials: SPW

Case Title: USA v. KAI XUCounty where offense occurred : Wayne, Oakland, and St. ClairCheck One: ☒ **Felony** ☐ **Misdemeanor** ☐ **Petty**

☐ Indictment/ ☐ Information --- no prior complaint.
☒ Indictment/ ☐ Information --- based upon prior complaint (Case number: 14-30493)
☐ Indictment/ ☐ Information --- based upon LCrR 57.10 (d) [Complete Superseding section below].

Superseding Case Information

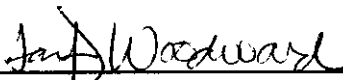
Superseding to Case No: _____ Judge: _____

- ☐ Original case was terminated; no additional charges or defendants.
☐ Corrects errors; no additional charges or defendants.
☐ Involves, for plea purposes, different charges or adds counts.
☐ Embraces same subject matter but adds the additional defendants or charges below:

Defendant nameChargesPrior Complaint (if applicable)

Please take notice that the below listed Assistant United States Attorney is the attorney of record for the above captioned case.

December 18, 2014
Date


 SARA D. WOODWARD
 Assistant United States Attorney
 211 W. Fort Street, Suite 2001
 Detroit, Michigan 48226
 313-226-9180
 sara.woodward@usdoj.gov

¹ Companion cases are matters in which it appears that (1) substantially similar evidence will be offered at trial, (2) the same or related parties are present, and the cases arise out of the same transaction or occurrence. Cases may be companion cases even though one of them may have already been terminated.